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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,624	07/17/2006	Choon Jong	P29367	2874
7055 7590 06/17/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER ABRAMS, NEIL				
ART UNIT 2839		PAPER NUMBER		
NOTIFICATION DATE 06/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/568,624

Applicant(s)

JONG, CHOON

Examiner

Neil Abrams

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2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/IB)
Paper No(s)/Mail Date 2-29-08 2-21-09 6-15-06 6-16-06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The election of claims 1-36 is noted other claims should be cancelled

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-36 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-26 of U.S. Patent No. 7201589 (Jong) in view of Humphreys 284. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent claims cover all main feature of the claims of this case but lack the " plurality " of conductive members (blocking) .feature. Humphreys uses plural doors or blocking members at 52 It would have been obvious to also use plural conductive blocking members in the patent claim 1 device since with plural openings in the conduit , plural members rather than a single one are needed as suggested by Humphreys

Claims 2-8 16-26 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recitation of -- resilient support members --- with no tie in to other features set forth in the claim renders the claim unclear. Claim 6 is similarly unclear. As set forth these features could be at any position on the power distribution system and need not be associated with the conduit. All dependent claims are included since they are affected by claims 2, 6 indefiniteness. Claim 9 --- each support member -- has no antecedent basis. Clarification required for claims 13, 14, 14 15 16; not clear as to what embodiments each one is readable upon. Claim 32 is improper in that it changes subject matter of its parent claims.

Claims 1-25 and 37-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphreys 284 alone or taken in view of Humphreys 687.

Humphreys 284 fig 5 includes conduit 10 with conductors 11, 12 and opening 20 for a plug 70 and plural members or doors 52 that are displaceable by the plugs 70. The type material used for the door is not stated. First note that metal is typical for such items. Second, note Humphreys 687 door 42 sectioned as metal. Obvious in view of either of these factors to use metal for doors 52. This would result in a stronger door.

Claims 2, 3, 4 springs 55 form resilient supports for door 52. Claim 5 the door has a sheet like surface and a side engaging support spring 55. Claims 6-8 and others that are unclear are included in the rejection at this time. Claim 9 the support

55 includes a base above numeral 58 and a support portion formed by the arm at leadline 55. Claims 10, 11, 12, 13 the support 55 coil part is read as part of the support and as extending towards the base part. Claims 16-17 obvious to use a plastic spring and the housing at 24 serves to align spring 55 with like springs along the conduit. For claims 21, 22 the door 52 must include attachment means to attach it to the support 55. Claim 23 the housing 24 forms a tray to receive the supports 55. The other claims are seen as covered by above discussion as well, in most cases to be for features that do not seem basic to the inventive concept.

Claims 1-4, 23, 24, 25, 29, 30, 31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Humphries 284. For claim 1, Humphries discussed above also includes a plurality of conductive spring members 32 formed of steel and between the opening 20 and the conductors 11, 12 and are to be displaced by the plug 70. For claims 2, 3, 4 the bent part at 41 forms a support for the remainder of the spring. For claim 23 housing at 34 forms a tray for the supports at 41. For claims 24, 25, 29 the conduit may be formed of aluminum col 5, lines 45-50 and should then be electrically grounded to spring 32. For all claims included in the rejection should any matter be at issue, such matters may be deemed obvious variant of the Humphries device.

In the response to this action, since many embodiments are present for all arguments applicant is asked to relate the feature at issue to the depiction of that feature in at least one of the application figures.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Abrams whose telephone number is 571-272-2089. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil Abrams/

Primary Examiner, Art Unit 2839
